

AMENDED IN ASSEMBLY JANUARY 4, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 968**

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**Introduced by Assembly Member Chesbro**

February 18, 2011

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An act to add Section 12012.2 to, ~~and to amend Section 11019.8 of,~~  
the Government Code, relating to California Indian tribes.

LEGISLATIVE COUNSEL'S DIGEST

AB 968, as amended, Chesbro. California Indian ~~tribes; state agencies;~~  
*tribes.*

Existing law encourages and authorizes all state agencies to cooperate with federally recognized California Indian tribes on matters of economic development and improvement for the tribes.

~~This bill instead would require all state agencies to cooperate with federally recognized California Indian tribes pursuant to these provisions. It would also require every state agency to adopt a policy of communication and consultation with, and require the Governor to meet at least annually with elected officials of, California Indian tribes, regardless of whether a tribe qualifies as a federally recognized California Indian tribe.~~

~~This bill would establish the position of Native American Tribal Advisor on Tribal Issues in the Governor's office, to be a member of a federally recognized California Indian tribe. It would require the advisor to serve as a resource to the Governor and state agencies on issues affecting California Indian tribes and be an advocate on behalf of all California Indian tribes, regardless of whether a tribe qualifies as a federally recognized California Indian tribe appointed by the Governor. The bill would set forth the duties of the Tribal Advisor. The bill would~~

*additionally require every state agency and department to communicate and consult with California Indian tribes, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares all of the*  
2     *following:*

3     *(a) California is home to many Native American tribes with*  
4     *which the State of California has an important relationship, as set*  
5     *forth and affirmed in state and federal law.*

6     *(b) The State of California recognizes and reaffirms the inherent*  
7     *right of these tribes to exercise sovereign authority over their*  
8     *members and territory.*

9     *(c) The state and the tribes are better able to adopt and*  
10    *implement mutually beneficial policies when they cooperate and*  
11    *engage in meaningful consultation.*

12    *(d) The state is committed to strengthening and sustaining*  
13    *effective government-to-government relationships between the*  
14    *state and the tribes by identifying areas of mutual concern and*  
15    *working to develop partnerships and consensus.*

16    *(e) Members of tribes, as both citizens of California and their*  
17    *respective sovereign nations, have a shared interest in creating*  
18    *increased opportunities for all California citizens.*

19    *SEC. 2. Section 12012.2 is added to the Government Code, to*  
20    *read:*

21    *12012.2. (a) The position of Tribal Advisor is hereby*  
22    *established within the office of the Governor. The Governor shall*  
23    *appoint the Tribal Advisor who shall serve at the pleasure of the*  
24    *Governor.*

25    *(b) The Tribal Advisor shall oversee and implement effective*  
26    *government-to-government consultation between the administration*  
27    *and tribes on policies that affect California tribal communities.*

28    *(c) The Tribal Advisor shall do all of the following:*

29    *(1) Serve as a direct link between the tribes and the Governor.*

30    *(2) Facilitate communication and consultations between the*  
31    *tribes, the office of the Governor, state agencies, and agency tribal*  
32    *liaisons.*

1     (3) Review state legislation and regulations affecting tribes and  
2     make recommendations on these proposals.

3     (d) The Tribal Advisor shall facilitate regular meetings between  
4     the office of the Governor and the elected officials of California  
5     Indian tribes to discuss state policies that may affect tribal  
6     communities.

7     (e) Every state agency and department shall encourage  
8     communication and consultation with California Indian tribes.  
9     Every state agency and department shall permit elected officials  
10    and other representatives of tribal governments to provide  
11    meaningful input into the development of legislation, regulations,  
12    rules, and policies on matters that may affect tribal communities.

13    (f) For purposes of this section, the terms “tribes,” “California  
14    Indian tribes,” and “tribal” include all federally recognized tribes  
15    and other California Native Americans.

16    ~~SECTION 1. Section 11019.8 of the Government Code is~~  
17    ~~amended to read:~~

18    ~~11019.8. (a) (1) All state agencies, as defined in Section~~  
19    ~~11000, shall cooperate with federally recognized California Indian~~  
20    ~~tribes on matters of economic development and improvement for~~  
21    ~~the tribes.~~

22    ~~(2) Cooperation by state agencies with federally recognized~~  
23    ~~California Indian tribes may include, but need not be limited to,~~  
24    ~~all of the following:~~

25    ~~(A) Providing information on programs available to assist Indian~~  
26    ~~tribes.~~

27    ~~(B) Providing technical assistance on the preparation of grants~~  
28    ~~and applications for public and private funds, and conducting~~  
29    ~~meetings and workshops.~~

30    ~~(C) Any other steps that may reasonably be expected to assist~~  
31    ~~tribes to become economically self-sufficient.~~

32    ~~(b) (1) Every state agency shall adopt a policy of~~  
33    ~~communication and consultation with all California Indian tribes,~~  
34    ~~regardless of whether a tribe qualifies as a federally recognized~~  
35    ~~California Indian tribe.~~

36    ~~(2) The policy adopted by the state agency shall provide for~~  
37    ~~timely and meaningful communication and consultation with tribes~~  
38    ~~and permit elected officials and other representatives of tribal~~  
39    ~~governments to provide timely and meaningful input into the~~  
40    ~~development of legislation, regulations, rules, and policies on~~

1 matters that significantly or uniquely affect the tribal community.  
2 The policy shall require communication and consultation with  
3 tribes before the agency may propose legislation, or propose or  
4 adopt regulations, rules, or policies, that may materially affect the  
5 tribal community.

6 (e) The Governor shall meet at least annually with elected  
7 officials of California Indian tribes, regardless of whether a tribe  
8 qualifies as a federally recognized California Indian tribe, to  
9 provide meaningful input into the development of the Governor's  
10 policies that significantly or uniquely affect the tribal community.

11 (d) Activities performed by state agencies or by the Governor  
12 pursuant to this section shall not be construed to include activities  
13 that promote gaming.

14 SEC. 2. Section 12012.2 is added to the Government Code, to  
15 read:

16 12012.2. (a) The position of Native American Advisor on  
17 Tribal Issues is established in the Governor's office. The advisor  
18 shall be a member of a federally recognized California Indian tribe.

19 (b) The advisor shall serve as a resource to the Governor and  
20 state agencies on issues affecting California Indian tribes,  
21 including, but not limited to, natural resources, education, health  
22 care, and other quality of life issues.

23 (c) The advisor shall be an advocate on behalf of all California  
24 Indian tribes, regardless of whether a tribe qualifies as a federally  
25 recognized California Indian tribe.